

OFFICE OF SOLID WASTE

MAY 29, 1981

Mr. R. H. Herr
Plant Manager
Central Foundry Division
General Motory Corporation
Danville, Illinois

Dear Mr. Herr:

This letter is in response to your draft position, dated May 6, 1981, requesting that the provisions of 40 CFR 261.24 be revoked with respect to the drying bed solids generated at your Danville, Illinois foundry (GM CFD-Danville).

As your petition correctly noted, the test methodology employed in 40 CFR 261.24 uses an acidic extraction medium in order to identify those process residuals which pose a potential hazard to groundwater if disposed of, or otherwise managed, in such a way that the residual may come into contact with an acidic medium such as municipal refuse. The laboratory data presented in your petition indicates that the waste in question clearly poses such a hazard. Furthermore as stated in the petition: "GM CFD-Danville believes that the most effective method for disposal of this waste is a segregated foundry waste landfill, where acidic conditions do not exist."

The waste management control system established under the Resource Conservation and Recovery Act of 1979 (RCRA), divides wastes into two classes: those posing a hazard to human health or the environment if mismanaged and termed "hazardous waste" and those which do not. It is only for "hazardous wastes" that the EPA was given the authority to establish and enforce management standards. As a corollary to this approach, the philosophy of the RCRA is that wastes properly managed do not pose a hazard to present or future generations. In order to insure proper management of such wastes, the EPA promulgated regulations under the RCRA which identified those waste needing controlled management.

The data presented in your petition clearly indicates that the drying bed solids poses the potential for contaminating groundwater aquifers with numerous levels of both cadmium and lead unless managed in a manner in which the waste does not come into contact with acidic material. Since the only mechanism available to the Agency under RCRA to insure that such controlled management occurs is to classify the waste as a hazardous waste, based on the information you sent up we do not feel we would be able to grant a request to revoke the provisions of 40 CFR 261.24 with respect to this waste.

If you have additional pertinent information relative to this waste and would like us to reconsider this decision, or if you desire further information on the reason for the decision, please contact Matthew Straus, manager of our Hazardous Waste Definition Program. He can be reached at (202) 755-9187.

Sincerely,

Alfred W. Lindsey
Deputy Director
Hazardous and Industrial Waste Division (WH-565)

cc: Straus
Friedman